

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JUSTIN PULLIAM,

Plaintiff,

v.

Civil Action No. 4:22-cv-4210

COUNTY OF FORT BEND, TEXAS;
SHERIFF ERIC FAGAN, in his
individual capacity; OFFICER ROBERT
HARTFIELD, in his individual capacity;
OFFICER JONATHAN GARCIA, in his
individual capacity; OFFICER TAYLOR
ROLLINS, in his individual capacity;
and OFFICER RICKY RODRIGUEZ, in
his individual capacity,

Defendants.

**PLAINTIFF’S UNOPPOSED MOTION TO EXTEND DISCOVERY AND
MOTION CUT-OFF DEADLINES**

For the reasons stated below, Plaintiff respectfully asks the Court to extend by one month the deadlines for the close of discovery and motions. Plaintiff requests that the present discovery deadline of July 31, 2023 be extended to August 31, 2023, and the present motion cut-off deadline extended from August 31, 2023 to September 30, 2023.

1. Plaintiff Pulliam, a citizen journalist, asserts that the Fort Bend County Sheriff’s Office and various law enforcement officers, who are sued in their

individual capacities, violated his First, Fourth, and Fourteenth Amendment rights concerning a press conference in July 2021 and concerning an arrest in December 2021.

2. On February 6, 2023, the parties filed their joint discovery/case management plan, which contemplated seven months of discovery after the resolution of qualified-immunity issues. ECF 30 at 6.
3. On February 13, 2023, Plaintiff filed his first amended complaint. ECF 33. Defendants moved to dismiss on March 10, 2023. ECF 39. Briefing on that motion finished April 17, 2023. ECF 40, 41. The motion remains pending.
4. Meanwhile, this Court issued a scheduling order on February 23, 2023 that significantly shortened the discovery period contemplated by the parties' discovery/case management plan. ECF 36. The scheduling order set the close of discovery at July 31, 2023, and the motion cut-off deadline at August 31, 2023.
5. An additional complication was Plaintiff's criminal trial related to the December 2021 arrest at issue in this case. That criminal trial took place during the last week of March 2023 in state court in Fort Bend County. It resulted in a hung jury, all in favor of acquittal except one. It is unknown whether the District Attorney's office will seek to retry Plaintiff. The evidence and testimony in that trial are relevant to discovery here.

6. Last, Plaintiff's legal team has required some rearrangement. Lead counsel Victoria Clark has unexpectedly taken a leave of absence, which will likely continue through the end of July. Second chair Joshua House will be on parental leave in July. The undersigned and Christie Hebert will take over as counsel for Plaintiff, but that transition has slowed the progress of discovery. Plaintiff issued his first round of discovery requests on May 8, 2023.

7. Therefore, Plaintiff respectfully requests that the Court alter the current deadlines as follows:

Discovery cut-off reset to **August 31, 2023**; and

Motions cut-off reset to **September 30, 2023**.

8. If the Court is agreeable, the remaining deadlines in the scheduling order may remain as they are (December 29, 2023 for the joint pretrial order, and January/February 2024 for the trial term).

9. Plaintiff has conferred with Defendants, and they do not oppose this motion.

Dated: May 15, 2023

Respectfully submitted,

/s/ Jeffrey Rows

Jeffrey Rows*, of counsel

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Christen Mason Hebert**, of counsel

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Attorneys for Plaintiff
*Admitted *pro hac vice*
**Admission *pro hac vice* pending

CERTIFICATE OF CONFERENCE

As required by Local Rule 7.1(D)(1), I certify to the Court that Plaintiff's counsel conferred with opposing counsel about the merits of this motion on May 15, 2023 and opposing counsel has indicated that he does not oppose this motion.

/s/ Jeffrey Rowes
Jeffrey Rowes*, of counsel
Attorney for Plaintiff
*Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2023, I electronically filed the foregoing motion with the Clerk of Court using the CM/ECF system and served by the CM/ECF system to all counsel of record.

/s/ Jeffrey Rows

Jeffrey Rows*, of counsel
Attorney for Plaintiff

**Admitted pro hac vice*